REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending. Claims 1-6, 8, and 9 have been amended; and Claims 11 and 12 have been added by the present amendment. The changes and additions to the claims were supported by the originally filed and do not add new matter.

In the outstanding Office Action, Claims 1-3, 5-8, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0028867 to Kryloff et al. (hereinafter "the '867 application"); and Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '867 application in view of U.S. Patent No. 6,223,026 to Martschitsch et al. (hereinafter "the '026 patent").

Amended Claim 1 is directed to a mobile phone, comprising:

> a communication section configured to transmit/receive data through a wireless or wired transmission path;

> a data processing section configured to process the data transmitted/received by the communication section;

> a memory space in which a file processed by the data processing section is arranged;

> archive-file creating means for creating an archive file for at least one file to be backed up, wherein identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only at the destination terminal specified by the identification information; and

> means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed.

The changes to Claim 1 are supported by the originally filed specification and do not add new matter.[1]

Applicants respectfully submit that the rejection of Claim 1 is rendered moot by the present amendment to that claim. However, since Claim 1 has been amended to incorporate at least the limitation recited in Claim 4, Applicants will address the references cited in the rejection of Claim 4.

The '867 application is directed to a system for generating a patch file from an old version of data and a new version of data, both of which consist of a series of elements. As shown in Figure 3, the '867 application discloses that the old version of data is sorted alphabetically and the new version of data is sorted alphabetically to create respective lists of sorted data. Further, the '867 application discloses that the two lists are recursively compared to search for a match for the data. In this manner, the '867 application discloses that a patch file is created and that several patch files may be aggregated into a secure portable compressed "archive" to decrease the storage and transfer requirements of the patch file. As noted on page 6 of the outstanding Office Action, paragraph [0023] of the published '867 application discloses that "the portable archive includes features to detect the presence of the files to be patched on a target system and then applies the sequence of patches automatically. In other words, the invention provides a self-extracting .ZIP file with intelligence to determine if a patch is necessary and how the patch should be implemented."[2]

However, Applicants respectfully submit that the '867 application fails to disclose archive-file creating means for creating an archive file for at least one file to be backed up, wherein <u>identification information of a destination terminal at which the archive file is to be decompressed is attached to the archive file so that the archive file can be decompressed only</u>

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[1] See, e.g., original Claim 4, Figure 13, and page 38 in the specification.
[2] See paragraph [0023] of the '867 application.

at the destination terminal specified by the identification information, as recited in Claim 1. The '867 application is silent regarding identification information of a destination terminal.

Further, Applicants respectfully submit that the '867 application fails to disclose means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed, as recited in amended Claim 1. Since the Office Action relies on the teachings of the '026 patent for the counter value recited in original Claim 4, Applicants believe that the Office Action has not relied on the '867 application to disclose this limitation.

The '026 patent is directed to a SIM card for a prepaid mobile telephone that includes a counter that keeps track of the amount of telephone charges used by the user of the mobile telephone. The '026 patent discloses that the SIM card stores a value indicating a maximum amount (e.g., in dollars) of telephone usage that can be charged, compares to the maximum amount to a predicted amount for a placed call, and blocks calls according to the result. Further, the '026 patent discloses that the system does not block calls intended for one or more predetermined numbers stored in card, for example, an emergency number or a number of a server to reload the card.[3]

However, Applicants respectfully submit that the '026 patent does not disclose a mobile phone including means for generating, in a memory space, an access management information file that includes a counter value indicating a maximum number of times that the archive file can be accessed, as recited in amended Claim 1. Rather, the '026 patent merely discloses a prepaid cell phone that keeps track of telephone usage by a user, and compares that amount with the maximum prepaid amount. The counter value disclosed by the '026 patent is unrelated to a number of **times** that an **archive file** can be accessed, but merely relates to prepaid telephone charges.

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[3] See '026 patent, Abstract.

Accordingly, no matter how the teachings of the '867 application and the '026 patent are combined, the combination does not teach or suggest a mobile phone including means for generating, in the memory space, an access management information file that includes a counter value indicating a maximum of times that the archive file can be accessed, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably defines over any proper combination of the '867 application and the '026 patent.

Independent Claim 6 recites limitations analogous to the limitations recited in Claim 1. Moreover, Claim 6 has been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 6 is rendered moot by the present amendment to Claim 6, and that Claim 6 patentably defines over any proper combination of the '867 application and the '026 patent.

Further, regarding Claim 4, Applicants note that Claim 4 clarifies that the access management means decrements the counter value every time the access management information file is opened. In this regard, Applicants note that page 5 of the outstanding Office Action states that the '026 patent discloses this limitation because it discloses a SIM card that adds up the charges being accessed. However, Applicants note that Claim 4 states that the counter value is decremented, not incremented, as disclosed by the '026 patent. Further, as discussed above, the counter values disclosed by the '026 patent are unrelated to the number of times that an archive file can be accessed. For this additional reason, Applicants respectfully submit that Claim 4 patentably defines over any proper combination of the '867 application and the '026 patent.

Further, Applicants note that Claim 3 has been amended to clarify that the file associating designating means generates a file-link designating file that designates a link between the at least one file whose archive file was created and the access management

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information file, which includes the counter value. See Figure 13. Applicants respectfully submit that this limitation is not taught or suggested by any proper combination of the '867 application and the '026 patent.

The present amendment also sets forth new dependent Claims 11 and 12 for examination on the merits. New Claim 11, which depends from Claim 1, clarifies that the mobile phone further comprises means for authenticating the access management information file using <u>an independent key different from a symmetric key used to authenticate the archive file</u>. No new matter has been added. See Figure 13 and the discussion related thereto in the specification. Further, new Claim 12 clarifies that the mobile phone further comprises means for <u>simultaneously</u> authenticating the archive file and the access management information file. No new matter has been added. See Figure 13 and the discussion related thereto in the specification.

Thus, it is respectfully submitted that independent Claims 1 and 6 (and all associated dependent claims) patentably define over any proper combination of the '867 application and the '026 patent.
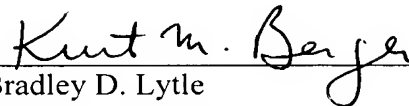
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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